



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. 8

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**OFFICE OF PETITIONS
ON PETITION**

In re Application of
Hoppa
Application No. 09/511,527
Filed: February 23, 2000
Attorney Docket No. 09/511527

This decision concerns the October 16, 2003 petition to withdraw the holding of abandonment in the above-referenced application.

The petition is **GRANTED**.

This application was held abandoned as of May 15, 2003 for failure to timely submit a proper reply to the February 14, 2003 non-final Office Action, which set a 3-month shortened statutory reply period.

The petition asserts that a reply to the Office action was timely mailed on May 12, 2003. In support, the petition encloses a copy of the papers allegedly mailed on May 12, 2003: an amendment and a set of drawings. The first page of the amendment and the transmittal of the drawings each contains a "May 12, 2003" certificate of mailing.¹ Accordingly, the Office concludes that, in response to the February 14, 2003 non-final Office Action, an amendment and a set of drawings were timely mailed, albeit not received in the USPTO. The petition is thus granted. The holding of abandonment in this application is hereby withdrawn.

The application is being returned to Technology Center 2600 for further examination.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions

¹ Under 37 CFR 1.8(a)(1), correspondence is considered timely filed if: (i) it is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the PTO as set out in 37 CFR 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the PTO in accordance with 37 CFR 1.6(d); and (ii) it includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.